

PHARMACY EXAMINING BOARD
REGULAR MEETING
FEBRUARY 13-14, 2001

MEMBERS PRESENT: John Bohlman, RPH; Sue Sutter, RPH; Michael Bettiga, RPH; Dan Luce, RPH (excused for 2/14); Cynthia Benning, RPH; Georgina Forbes

MEMBER EXCUSED: Charlotte Rasmussen

LEGAL COUNSEL: William Black

STAFF PRESENT: Deanna Zychowski, Karen Rude-Evans

GUESTS: Paul Rosowski and Sean Gehrke, PIB; Scott Whitmore, PSW; Troy Kienzle, Milsni Desai, S. Brockman, Jean Hetzel and Joshua DeSilvoy, UW School of Pharmacy; Larry Edwards, DOC; Jeff Langer and Karen Merrill, Osco Drug; Doug Englebert, BQA; Shelley Roebel, preceptor; Ann Babel, student; Paul Barron, GHC; Jamie Statz Paynter, Dean Pharmacy

CALL TO ORDER

Chair John Bohlman called the meeting to order at 1:04 p.m. on February 13, 2001.

REVIEW OF CHAPTER PHAR 7 – PHARMACY PRACTICE

The Board discussed various scenarios and language options. William Black will incorporate the changes into the draft and will bring it to the Board at the next meeting. Michael Bettiga and Cynthia Benning will review the draft prior to the next meeting.

REVIEW OF DEFINITION OF “ACTIVE PRACTICE”

Discussion on this topic was postponed.

FAILURE TO REPORT

This item will be an article for the *Regulatory Digest*,

REVIEW AND DISCUSSION OF CURRENT BOARD REQUIREMENTS FOR
EXAMINATIONS OF PHARMACISTS LICENSED IN OTHER STATES AND POTENTIAL
STATUTORY CHANGE TO SECTION 450.05, STATS

MOTION: Dan Luce moved, seconded by Michael Bettiga, to discuss this issue.
Motion carried unanimously.

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to only require reciprocal candidates who are actively practicing, as referenced in Sec. 450.05, Stats., and as interpreted by legal counsel, to pass the jurisprudence exam and not be required to take the consultation exam. Roll call vote: Sue Sutter – yes, Michael Bettiga – yes, Dan Luce – yes, Cynthia Benning – yes, Georgina Forbes – yes, John Bohlman – yes. Motion carried.

DISCUSSION REGARDING LICENSURE REQUIREMENTS AND SPECIFYING TOPIC AREAS FOR CE HOURS

The Board made several suggestions for language changes. Legal counsel will rework the proposed order and will bring it back to the next meeting.

NATIONAL PHARMACY EXAMINATION AUDIT PARTICIPATION

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to authorize Barb Showers to participate in the California Department of Consumer Affairs' audit of the NAPLEX. Motion carried unanimously.

NABP "SECRET SHOPPER" PROGRAM

MOTION: Michael Bettiga moved, seconded by Dan Luce, to authorize Duane Dorn to apply for the NABP "Secret Shopper" program for evaluating Chauncey's/Sylvan's test security for the 2001 NAPLEX/MPJE administrations. Motion carried unanimously.

REGULATORY DIGEST ARTICLES

The Board reviewed a number of articles submitted by Sue Sutter for the *Regulatory Digest*. The discipline report still needs to be run before the final draft is ready.

THE WISCONSIN PHARMACIST LICENSURE PROCESS

Sue Sutter put together a comprehensive guide and flowsheet to help pharmacist applicants better manage and understand the licensing process.

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to have this document available on the DRL website, to mail it to every school of pharmacy and to have it included with each application packed mailed from DRL. Motion carried unanimously.

RECESS

Open session recessed by consensus at 4:18 p.m. on February 13, 2001. Open session will reconvene at approximately 9:00 a.m. on February 14, 2001.

RECONVENE IN OPEN SESSION AND CALL TO ORDER

Open session reconvened and Chair John Bohlman called the meeting to order at 9:07 a.m. on February 14, 2001.

APPROVAL OF AGENDA

Amendments: -Counseling exam format
-Review application – Bruce Predebon
-Review application – Darlene Youngwirth

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 10, 2001

Correction: -On page 2, under APPROVAL OF MINUTES OF DECEMBER 11, 2000, in the fourth correction, the last sentence, delete the first “drug” and insert “Chemical”.

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to approve the Minutes of January 10, 2001 as corrected. Motion carried unanimously.

SECRETARY CUMMINGS

Secretary Cummings was not available.

PRESENTATION OF PROPOSED STIPULATION

WAYNE W MELIN, RPH

DOE Attorney Arthur Thexton presented a proposed stipulation in the matter concerning Wayne W. Melin, R.Ph. This matter will be deliberated on in closed session.

PUBLIC HEARING ON PROPOSED RULES RELATING TO TRANSFER OF PRESCRIPTION ORDERS

Chair John Bohlman called the public hearing to order at 9:15 a.m. No speakers registered. Written comments and testimony must be received by the Department no later than March 2, 2001. The hearing adjourned at 9:20 a.m.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

These reports were informational.

DISTRIBUTOR/MANUFACTURER'S APPLICATIONS

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to approve the Distributor/Manufacturer's applications for **Abbot Laboratories, TX; Atrion Medical Products, AL; Apria Healthcare, Wisconsin Rapids; Compass, TN; Fresenius Kabi, NC; Guilford Pharmaceuticals, TN; McKesson HBOC, PA; Odyssey, NJ; Pharmaceutical Returns, MN; McKesson General MED, TX; Burns Veterinary Supply, Inc., MN; Community Medical Equipment, Richland Center; Apria Healthcare, Rice Lake and UPS Worldwide Logistics, TX.** Motion carried unanimously.

VARIANCE REQUESTS

BOHLMAN DRUGSTORE, BOSCOBEL, FENNIMORE PHARMACY SERVICES, FENNIMORE, AND INFUSION/PHARMACY SERVICES, INC, BOSCOBEL

John Bohlman turned the meeting and duties of Chair over to Sue Sutter. John Bohlman presented his requests to the Board.

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to approve requests A, B and F as outlined in the correspondence, and to deny requests C, D and E, to Bohlman Drugstore, Fennimore Pharmacy Services and Infusion/Pharmacy Services, Inc. John Bohlman abstained. Motion carried.

John Bohlman resumed as Chair at this time.

JOHNSON AND SONS DRUG STORE, AMERY

The Board denied approval for the system proposed because the central processing unit described consists of two separate independent databases, lacking real time access to one centralized database.

LUTHER MIDELFORT, EAU CLAIRE

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to approve the variance request from Luther Midelfort. Motion carried unanimously.

APRIA HEALTHCARE, NEW BERLIN

This is done under the direction of the medical director. Therefore, no variance is necessary.

OCONOMOWOC MEMORIAL HOSPITAL, OCONOMOWOC

William Black will correspond with Oconomowoc Memorial Hospital to ask for specific information on their system. No decision was made at this time on the variance request.

NABP 97TH ANNUAL MEETING

John Bohlman will attend the NABP's 97th Annual Meeting to be held May 5-9, 2001 in Seattle, Washington.

REQUEST TO SPEAK AT PSW LEGISLATIVE DAY

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to allow John Bohlman and William Black to represent the Board at the PSW Legislative Day on March 28, 2001. Motion carried unanimously.

REPORT OF PHARMACY INTERNSHIP BOARD

Cynthia Benning reported the PIB is still waiting for the appointment of a public member. The final section of the proposed rule changes have been approved and sent up to the legislature. The PIB discussed its role of acting as the Quality Review Council for the School of Pharmacy, and the areas in which more information is needed from the school.

There is an issue with the June exam that needs to be addressed. The students graduate on May 18, and the registrar has stated it may take as long as three weeks for the grades to get to the School of Pharmacy. The students will not have confirmation of graduation before the date the written consultation exam should be mailed to them. This means the students will have to wait until July before the exam can be mailed to them.

The Pharmacy Examining Board discussed the format of the consultation examination. The Board is not satisfied with the written format that is currently being used.

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to go back to the oral counseling exam beginning in June 2001. Motion carried unanimously.

This change in exam format will solve the dilemma for the May graduates.

UPDATE ON THE WISCONSIN PHARMACIST LICENSURE PROCESS

The comprehensive guide and flowsheet on the Wisconsin pharmacist licensure process that was distributed yesterday needs to be updated due to the actions of the Board at this meeting. The copies should not be distributed at this time. Sue Sutter will update the document and copies should be available at the next Board meeting.

REPORT OF CONTROLLED SUBSTANCES BOARD

Cynthia Benning reported the CSB worked on two scope statements regarding GBL. One of the scope statements related to the exemption for the legitimate possession and use of GBL. The CSB also developed a scope statement to classify dihydroetorphine as a Schedule II controlled substance. The theft and loss report was reviewed. SUA's for nuisance animal removal were discussed, and the CSB will ask the DNR to become involved in this issue. The policy for SUA's for research labs is being worked on. A request for raising industrial hemp was denied.

PRACTICE QUESTIONS

CONDON PHARMACIES, LLC, HARTLAND

Donna J. Redlin, R.Ph., from Condon Pharmacies, LLC, Hartland, requested a clarification of the scope of Chapter 15 regarding sterile pharmaceuticals. The pharmacy has been requested to prefill insulin syringes for a patient who is no longer able to do so. The quantity filled would be adequate for one week at a time.

The Board responded that the product must be sterile. The pharmacy must be able to provide information that the insulin is sterile at the time of fill and will be stable and sterile for seven (7) days. Policies and procedures must be in place to document sterility.

GENTIVA

The Board reviewed and approved the prescription numbering system proposed by Gentiva.

BELOIT MEMORIAL HOSPITAL, BELOIT

The Board reviewed correspondence received from Beloit Memorial Hospital, Beloit, regarding consultation requirements. The Board responded that a pharmacist must consult on all medications that will be self-administered.

MIDELFORT LEHMAN PHARMACY, EAU CLAIRE

William Black will write to Dave Steines, R.Ph., at Midelfort Lehman Pharmacy, Eau Claire, and ask him to appear at a Board meeting for clarification of his request. No decision will be made until Mr. Steines appears.

RICHARD A PEARSON

The Board agreed that the Knox Box system described by Richard A. Pearson for emergency only use by the Brookfield Fire Department is acceptable.

JACK RADLOFF, RPH

The Board responded to Jack Radloff that the task may be delegated, but the managing pharmacist is still responsible.

COULEE DRUG

The Board responded to Sara Drake, R.Ph., of Coulee Drug, that the manufacturer's coupons for a free 10-day supply of the medicine are acceptable as they are tied to valid prescriptions, and patient confidentiality is maintained.

MEMORIAL HOSPITAL OF IOWA COUNTY PHARMACY, DODGEVILLE

The Board responded to two questions from Martin Heil, R.Ph., of MHIC Pharmacy, Dodgeville. A pharmacy technician may arrive prior to the pharmacist to perform duties outside of the pharmacy. A technician may enter the pharmacy under direction of the nurses who are authorized to enter the pharmacy under the “off hours” protocol, but no other dispensing shall occur until a pharmacist is on duty.

REVIEW OF CORRESPONDENCE FROM LINDENGROVE, INC AND DISCUSSION OF WIS ADM CODE HFS 132 AND SECTION PHAR CH 9

In response to the letter dated December 27, 2000 from LindenGrove, the Board stated that if LindenGrove wants a second contingency box in each of its locations, they should go through DHFS for a waiver. Dosages and contents are also regulated by DHFS.

In response to the letter dated January 31, 2001 from LindenGrove, medications in the contingency box should only be replenished by the LindenGrove Pharmacy. A new, single pill for a patient does require a new prescription.

Doug Engelbert, DHFS, participated in this discussion.

QUESTIONS REGARDING MEDICATION RETURNS AND RELABELING

William Black, John Bohlman and Doug Engelbert, DHFS, will work on responses to the questions. The responses will be brought back to a future Board meeting.

PRESCRIPTION SIGNATURES

Sue Sutter suggested drafting a letter to the Medical Examining Board to ask for a clarification of prescriptive authority and to whom the doctors may delegate and what is an acceptable “signature.” A copy of this letter should also go to the Dentistry, Optometry and Nursing Boards. When a consensus on this issue is reached, it was suggested that an article regarding acceptable prescription signatures appear in the *Pharmacy Regulatory Digest* and the *Regulatory Digest* for each of the aforementioned professions.

GERIMED QUESTIONNAIRE

The Board decided to not complete the GeriMed questionnaire.

RECESS TO CLOSED SESSION

MOTION: Sue Sutter moved, seconded by Georgina Forbes, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of deliberation of a proposed stipulation, personal appearances requesting reinstatement of license/change in board order, considering requests for three month stays of suspensions and modifications in board orders, considering requests for unlimited licenses, reviewing applications, reviewing case status reports, discussion of examination issues and

consulting with legal counsel. Roll call vote: John Bohlman – yes, Sue Sutter – yes, Michael Bettiga – yes, Cynthia Benning – yes, Georgina Forbes – yes. Motion carried unanimously.

Open session recessed at 12:39 p.m.

RECONVENE IN OPEN SESSION

MOTION: Michael Bettiga, seconded by Georgina Forbes, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 4:24 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PROPOSED STIPULATION

WAYNE W MELIN, RPH

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to adopt the Findings of Fact, Conclusions of Law and Order in the proposed stipulation in the matter concerning Wayne W. Melin, R.Ph. Dan Luce – case advisor. Motion carried unanimously.

PERSONAL APPEARANCES

ROGER IVERSON, RPH

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to deny the request for a stay of suspension to Roger Iverson, R.Ph., because he failed to appear and is non-compliant with his Order. Motion carried unanimously.

JOHN R SCHMITT, RPH

Michael Bettiga left the room prior to the appearance of John R. Schmitt, R.Ph., and was absent during the Board's deliberation. John R. Schmitt appeared with his attorneys, Arthur Kurtz and Joseph Copa, and his wife, Shelby Schmitt. Mr. Schmitt, Mrs. Schmitt and the attorneys all addressed the Board.

MOTION: Georgina Forbes moved, seconded by Cynthia Benning, to grant a three-month stay of suspension to John R. Schmitt, R.Ph. Michael Bettiga abstained. Motion carried.

MARK G ANDERSON, RPH

Mark Anderson, R.Ph., appeared with his attorney, Hal Harlowe. Both Mr. Anderson and Mr. Harlowe addressed the Board.

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to grant eight (8) hours as pharmacist in charge, but no open or close, to Mark G. Anderson, R.Ph. Motion carried unanimously.

REQUESTS FOR STAYS OF SUSPENSIONS/MODIFICATIONS IN BOARD ORDERS

JAMES MEYER, RPH

No Board action was necessary. James Meyer is currently under a stay of suspension.

PHILLIP DALLMAN, RPH

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to grant a three-month stay of suspension to Phillip Dallman, R.Ph. Motion carried unanimously.

MARILYN KUHRT, RPH

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to grant a three-month stay of suspension but deny the request to discontinue therapy to Marilyn Kuhrt, R.Ph. Motion carried unanimously.

ANDREW RICE, RPH

MOTION: Sue Sutter moved, seconded by Georgina Forbes, to grant a one-month stay of suspension to Andrew Rice, R.Ph. Mr. Rice must provide an explanation before the next Board meeting as to why he discontinued therapy from August 2000 to February 13, 2001. Michael Bettiga abstained. Motion carried.

CRAIG MOON, RPH

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to grant a three-month stay of suspension but deny the modifications to the Order to Craig Moon, R.Ph. Motion carried unanimously.

MICHAEL O'KRAY, RPH

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to grant the request to work as the pharmacist in charge at Syncor only to Michael O'Kray, R.Ph. Motion carried unanimously.

REQUESTS FOR UNLIMITED LICENSES

EDWARD CARR, RPH

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to deny the request for an unlimited license to Edward Carr, R.Ph. Mr. Carr may reapply after three months. Motion carried unanimously.

GREGORY KUJAWA, RPH

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to grant the request for an unlimited license to Gregory Kujawa, R.Ph. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to close complaint **96 PHM 054** for insufficient evidence. Motion carried unanimously.

APPLICATION REVIEWS

ANN SPIVEY

The active practice form is to be sent to Ann Spivey. Upon receipt of the completed form, the Board will review the information and determine what exams should be taken.

HARRY HORN

The active practice form is to be sent to Harry Horn. Upon receipt of the completed form, the Board will review the information and determine what exams should be taken.

STACEY BERNARD

The application of Stacey Bernard should be processed. The active practice form is to be sent to Ms. Bernard. Upon receipt of the completed form, the Board will review the information and determine what exams should be taken.

BRUCE PREDEBON

The active practice form is to be sent to Bruce Predebon. Upon receipt of the completed form, the Board will review the information and determine what exams should be taken.

DARLENE YOUNGWIRTH

The active practice form is to be sent to Darlene Youngwirth. Upon receipt of the completed form, the Board will review the information and determine what exams should be taken.

EXAMINATION ISSUES

VALIDATION OF EXAMINATION SCORES

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to validate the examination scores. Motion carried unanimously.

KEITH SCHAR AND ELIZABETH SCHAR

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to deny licensure to Keith Schar and Elizabeth Schar as they violated Sec. 4.01(5), Stats., and to authorize the department's representative to notify Keith Schar and Elizabeth Schar of the Board's decision. Motion carried unanimously.

INFORMATIONAL ITEMS

The Board noted the informational items.

ADJOURNMENT

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:36 p.m.

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